

Notice of Allowability

Application No.

10/646,319

Examiner

MARY STEELMAN

Applicant(s)

CHEN ET AL.

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/22/2007, 08/14/2007.
2. ☒ The allowed claim(s) is/are 1-33 (to be renumbered in order).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is in response to Claim Amendments and Remarks received 05/22/2007. Per Applicant's request, claims 1, 9, 11, 15, 18, 19, and 20 have been amended.

Claim Rejections - 35 USC § 101

2. In view of amendments to claims, the prior 35 USC 101 rejections are hereby withdrawn.

Claim Rejections - 35 USC § 112

3. In view of the amendments to the claims, the prior 35 USC 112 second paragraph rejections are hereby withdrawn.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Borg, Reg. No. 51,486 on 08/14/2007.

The application has been amended as follows:

The Specification has been amended to update the Serial Numbers in the table following paragraph [0003], page 2.

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A Terminal Disclaimer has been received and entered, related to 10 / 646,324.

Claim 1 has been further amended as follows:

A system for generating efficient and compact update packages for updating contents of memory in an electronic device utilizing source and target images of the contents, the system comprising:

at least one processor communicatively coupled to storage containing code executable by the at least one processor, the code comprising:

a parser for generating distance files comprising distance information representing location differences between code or objects in the source image and the target image;

a bubble generator for generating bubble information from the distance information, the bubble information representing addition and deletion of memory space within the source image to more closely align the code or objects in the source and target images;

a configuration manager for facilitating configuration of memory elements of the electronic device;

a bubble layout manager for modifying the alignment of the source image ~~to look similar to~~ based on the target image, based upon using the bubble information; and

a generator for generating at least one update package from the modified source image and the target image, for processing in the electronic device to update the memory.

Allowable Subject Matter

5. Claims 1-33 (to be renumbered in order) are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent claim 1 (and similarly in independent claim 18), as noted on page 10 of Remarks, Kinoshita, Foster, and other cited prior arts, taken alone or in combination, fail to disclose:

“a parser for generating distance files comprising distance information representing location differences between code or objects in the source image and the target image;

a bubble generator for generating bubble information from the distance information, the bubble information representing addition and deletion of memory space within the source image to more closely align the code or objects in the source and target images;

a bubble layout manager for modifying the alignment of the source image based on the target image, using the bubble information;

a generator for generating at least one update package from the modified source image and the target image, for processing in the electronic device to update the memory.”

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Moreover, evidence for modifying the prior art teachings by one of ordinary skill level in the art was not uncovered so as to result in the invention.

Thus all remaining dependent claim, claims 2-17 & 19-33, are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

08/20/2006

MARY STEELMAN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Mary Steelman", written in a cursive style.